

JUL 20 2004 3:35PM

LAW DEPT

NO. 076 P. 1

211619

BNSF



JOHN A. SIMS

Legal Assistant

The Burlington Northern and Santa Fe Railway

2500 Lou Meak Drive
P. O. Box 961039
Fort Worth, TX 76161-0039

Phone: 817/352-2376
Fax: 817/352-2397



FACSIMILE TRANSMITTAL

DATE: 7/20/04

TIME: 8:45 PM

NUMBER OF PAGES: 2 INCLUDING THIS COVER PAGE.

TO: Darlene Evans

ADDRESS: Surface Transportation Board

FAX NUMBER: (202) 565-9004

FROM: JOHN A. SIMS

TELEPHONE NUMBER: (817) 352-2376

ENTERED
Office of Proceedings

JUL 21 2004

SPECIAL INSTRUCTIONS: _____

IF YOU RECEIVED THIS MATERIAL IN ERROR
PLEASE CALL (817) 352-2376
EQUIPMENT USED FOR TRANSMITTING - LANIER FAX 7550
TELECOPIER NO. (817) 352-2397

IMPORTANT: This message is intended for the use of the addressee and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. Therefore, if you are not the intended recipient, please notify us immediately by telephone for instructions for the return of the message to us at the above address via the United States Postal service. Thank you.

CHARLES H. MONTANGE

ATTORNEY AT LAW
420 NW 162ND STREET
SEATTLE, WASHINGTON 98177

(206) 546-1936
FAX: (206) 546-3739

20 July 2004
by express service




Hon. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: BNSF -- Exemption -- MP 38.01 to
MP 39.00 in Snohomish, WA,
AB 6 (Sub-no. 422X)

Dear Mr. Williams:

In light of Burlington Northern & Santa Fe Railway's (BNSF's) representation in its letter dated 14 July 2004 (appearing in the STB website E-library for filings for July 15, 2004) indicating that BNSF is voluntarily preparing a third-party expert study relating to safety issues (earthquake hazard and lead-based paint) relating to the railroad bridge over the Snohomish River, City of Snohomish withdraws its request for a public use condition providing for the same relief. City appreciates BNSF's voluntary agreement to provide this information.

Very truly,

Charles H. Montange
for City of Snohomish

ENTERED
Office of Proceedings

JUL 21 2004

Encls.

cc. counsel for BNSF (w/encl.)
Ann Caley (City of Snohomish) (w/encl.)